

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

LONNIE EUGENE LILLARD,

Defendant.

CASE NO. CR16-7RSM

ORDER DENYING MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Defendant Lonnie Lillard's "Motion to Seal Motion for Reduction in Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) and Request for Appoint of Counsel for Assistance in Preparing Motion." Dkt. #537. The first sentence of the Motion asks the Court to reconsider its denial of Mr. Lillard's Motion filed at Dkt. #531. The Court concludes this is a Motion for Reconsideration of the Court's Order at Dkt. #533.

Motions for reconsideration are disfavored. Local Criminal Rule 12(b)(13)(A). The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. *Id.* A motion for reconsideration shall be plainly labeled as such. Local Criminal Rule 12(b)(13)(B). The motion shall point out with specificity the matters which the movant believes were overlooked or misapprehended by the court, any new

1 matters being brought to the court's attention for the first time, and the particular modifications  
2 being sought in the court's prior ruling. *Id.* Failure to comply with this subsection may in itself  
3 be grounds for denial of the motion. *Id.*

4 Mr. Lillard's earlier Motion requested a protective order so that he could file under seal  
5 "very sensitive matters" including communications with his current counsel. Dkt. #531 at 1. He  
6 stated that "certain subject matter in there is of a very sensitive nature and can result in harm  
7 coming to him or his family if not filed under seal..." *Id.* at 2. He also cites to FRE 502(d) and  
8 *Bittaker v. Woodford*, 331 F.3d 715 (9th Cir. 2003) without explanation or analysis. According  
9 to his attached declaration, "[t]he matters I discussed with both attorneys were of a very sensitive  
10 subject matter and if revealed in a public record could cause substantial and significant harm to  
11 myself as well as to my family. It is not just possible that such harm could come to me but 'highly  
12 likely' and 'very probable' that harm would befall me or others closely related to me." *Id.* at 4.  
13 Nothing else was said on this point. Mr. Lillard also requested the appointment of counsel to  
14 assist with the filing of his *fourth* sentence reduction motion. *Id.* at 2. Mr. Lillard provided no  
15 analysis on this point and failed to convince the court that additional counsel should be appointed  
16 to him for this purpose. The Court denied the Motion. Dkt. #533.

19 Mr. Lillard now asks the Court to take judicial notice of materials he filed under seal in a  
20 parallel case as a source of those facts too sensitive to explain in his earlier Motion. Dkt. #537  
21 at 2. These new materials are 136 pages of exhibits, largely comprised of handwritten letters to  
22 the Court. Case No. CR15-270, Dkt. #69. Mr. Lillard points to Exhibit B in those materials;  
23 Exhibit B is a 12-page declaration authored by Mr. Lillard. Mr. Lillard directs the Court to  
24 Exhibit B but does not provide any analysis connecting the sensitive facts therein to the relief  
25 that was denied by the Court. The Court has nevertheless reviewed these materials and finds that  
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1 nothing therein justifies reconsideration of the Court's prior Order or the appointment of counsel  
2 to assist with the filing of a fourth sentence reduction motion in this case.

3 The Court also notes that Mr. Lillard has failed to plainly label his Motion as a Motion  
4 for Reconsideration in violation of Local Criminal Rule 12(b)(13)(B).

5 Having reviewed the instant Motion, along with the remainder of the record, the Court  
6 hereby finds and ORDERS that Defendant Lonnie Lillard's Motion for Reconsideration, Dkt.  
7 #537, is DENIED. Because Mr. Lillard has kept sensitive facts in a separate filing and does not  
8 discuss them in detail, the Court finds that the instant Motion, Dkt. #537, shall be UNSEALED.  
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11 DATED this 10<sup>th</sup> day of April, 2024.

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14 RICARDO S. MARTINEZ  
15 UNITED STATES DISTRICT JUDGE  
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